



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edward A. Pennington
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, NW
Washington DC 20007-5116

COPY MAILED

SEP 17 2007

OFFICE OF PETITIONS

In re Application of :
Ono et al. :
Application No. 10/798,851 :
Filed: March 12, 2004 :
Attorney Docket No. 19546.0044 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a), filed August 13, 2007, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to timely file a reply to the Ex Parte Quayle Action of August 28, 2006. The Ex Parte Quayle Action set a two (2) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on October 29, 2006. An untimely response was submitted on March 30, 2007. A Notice of Abandonment was mailed on April 2, 2007. A petition was dismissed on May 11, 2007.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of amendment; (2) the petition fee of \$500; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable.

A review of the record shows deposit account 50-4047 was inadvertently charged \$1500.00 for the unintentional petition fee. Accordingly the fee will be refunded.

It should further be noted petitioner states a change of address was submitted via the EBC to change the address associated with customer no.23517. A review of the record shows that the address has not been updated.

This application is being referred to Art Unit 3661.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in cursive script, appearing to read "Charlema Grant".

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Bingham McCutchen
2020 K. Street, N.W.
Washington, D.C. 20006